UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,118	08/31/2001	Raj Kumar	M-11731 US	2074

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EXAMINER
CURCIO, JAMES A F

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/945,118	KUMAR ET AL.
	Examiner	**Art Unit**
	James Curcio	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *31 August 2001*.

2a) ☐ This action is **FINAL**.　　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.

　　4a) Of the above claim(s) *15-22* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14 and 23-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) *(1-14, 23-25) and (15-22)* are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   Claims 1-14 and 23-25 drawn to creating a new object, classified in class

717, subclass 108.

II.   Claim 15-22, drawn to shutting down an object, classified in class 717,

subclass 108.

2.   The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together

in a single combination. The subcombinations are distinct from each other if they are

shown to be separately usable. In the instant case, invention I has separate utility such

as the ability to create objects. See MPEP § 806.05(d).

3.   Because these inventions are distinct for the reasons given above and the

search required for Group II is not required for Group I, restriction for examination

purposes as indicated is proper.

4.   Because these inventions are distinct for the reasons given above and have

acquired a separate status in the art because of their recognized divergent subject

matter, restriction for examination purposes as indicated is proper.

5.   During a telephone conversation with Omkar Suryadevara on August 20, 2004 at 1:30 pm EST a provisional election was made without traverse to prosecute the invention of Group I, claims 1-14 and 23-25. Affirmation of this election must be made by applicant in replying to this Office action. Claim 15-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-14 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by White et al (US005603031A).

8.   As per claims 1 and 23, White et al discloses the following:

Creating a new object for a new instance of the application, using an existing object of an existing instance, said existing instance being one of the multiple instances (abstract; Figs. 4A and 4B – elements 100, 102, 120, 150, 220, 130, and associated text; Figs. 5A and 5B – elements 120, 140, 150, 220, and associated text; Fig. 5C – elements 520, 522, 524, 526, 140, 220, 150, and associated text; Fig. 8A – elements

120, 220, 150, and associated text; Fig. 11A – element 100 and associated text; Fig. 12

– element 1270 and associated text; col. 7:25 to col. 13:34 (emphasis added to objects,

agents, agent class, computers, network, place process, place class, and meeting

place));

    Setting up connectivity between the new instance and the network connected to

the plurality of computers (abstract; Figs. 4A and 4B – elements 100, 102, 120, 150,

220, 130, and associated text; Figs. 5A and 5B – elements 120, 140, 150, 220, and

associated text; Fig. 5C – elements 520, 522, 524, 526, 140, 220, 150, and associated

text; Fig. 8A – elements 120, 220, 150, and associated text; Fig. 11A – element 100 and

associated text; Fig. 12 – element 1270 and associated text; col. 7:25 to col. 13:34

(emphasis added to objects, agents, agent class, computers, network, place process,

place class, meeting place, remote programming, and go operation)); and

    Starting execution of the new instance (abstract; Figs. 4A and 4B – elements

100, 102, 120, 150, 220, 130, and associated text; Figs. 5A and 5B – elements 120,

140, 150, 220, and associated text; Fig. 5C – elements 520, 522, 524, 526, 140, 220,

150, and associated text; Fig. 8A – elements 120, 220, 150, and associated text; Fig.

11A – element 100 and associated text; Fig. 12 – element 1270 and associated text;

col. 7:25 to col. 13:34 (emphasis added to objects, agents, agent class, computers,

network, place process, place class, meeting place, remote programming, and go

operation));

    Wherein the new instance uses the new object, and the connectivity to access a

resource shared by the multiple instances (abstract; Figs. 4A and 4B – elements 100,

102, 120, 150, 220, 130, and associated text; Figs. 5A and 5B – elements 120, 140,

150, 220, and associated text; Fig. 5C – elements 520, 522, 524, 526, 140, 220, 150,

and associated text; Fig. 8A – elements 120, 220, 150, and associated text; Fig. 11A –

element 100 and associated text; Fig. 12 – element 1270 and associated text; col. 7:25

to col. 13:34 (emphasis added to objects, agents, agent class, computers, network,

place process, place class, meeting place, remote programming, go operation, and

resources)).

9.   As per claims 2 and 24, White et al discloses making a copy of said existing

object and renaming the copy using name of the new instance (same figures and text as

used for claims 1 and 23).

10.   As per claim 3, White et al discloses automatically choosing a name for the new

instance (same figures and text as used for claim 1).

11.   As per claim 4, White et al discloses adding an entry for the new instance to a file

in a computer to describe the new instance (same figures and text as used for claim 1).

12.   As per claim 5, White et al discloses that said computer is hereinafter "first

computer" and that said creating, setting up connectivity, and starting execution are

automatically performed in a second computer, and said act of setting up connectivity

further comprising: said first computer communicating with said second computer (same figures and text as used for claim 1).

13.   As per claim 6, White et al discloses that said creating, setting up connectivity, and starting execution are automatically performed in said computer (same figures and text as used for claim 1).

14.   As per claim 7, White et al discloses displaying a list of computers in said plurality; and receiving from a user a selection of a second computer in said list (same figures and text as used for claim 1).

15.   As per claim 8, White et al discloses that each computer in said list does not have an instance of said application (same figures and text as used for claim 1).

16.   As per claim 9, White et al discloses that at least one computer in said list already has at least one instance of said application (same figures and text as used for claim 1).

17.   As per claim 10, White et al discloses that installing software for said application on said second computer if said second computer does not have said software (same figures and text as used for claim 1).

18.   As per claim 11, White et al discloses setting up resources for said new instance

in said second computer (same figures and text as used for claim 1).

19.   As per claim 12, White et al discloses adding an entry for the new instance to a

file shared across all computers (same figures and text as used for claim 1).

20.   As per claim 13, White et al discloses adding an entry for the new instance to a

private file in each computer (same figures and text as used for claim 1).

21.   As per claim 14, White et al discloses creating an entry for the new instance in a

map file shared across all computers (same figures and text as used for claim 1).

22.   As per claim 25, White et al discloses means for shutting down an instance

(hereinafter "killed instance"); means for deleting connectivity between the killed

instance and the network; and means for deleting an object of the killed instance (same

figures and text as used for claim 23 (emphasis added to terminate the meeting)).

Claim Rejections - 35 USC § 103

23.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

24.   Claims 7-11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the

alternative, under 35 U.S.C. 103(a) as obvious over White et al (US005603031A).

        See 35 U.S.C. 102(b) rejections above.

25.   As per claim 7, as an alternative, in addition to the teachings applied above,

White et al fails to explicitly disclose displaying a list of computers in said plurality; and

receiving from a user a selection of a second computer in said list. However, official

notice is taken that these features are well known in the computer art (e.g. the process

of selecting a computer in a list of network mappings in Windows NT 4.0). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to include steps for displaying a list of computers in said plurality; and receiving

from a user a selection of a second computer in said list. One of ordinary skill in the art

would have been motivated to do so in order to give the user the ability to select the

computer in a network where a cloned object is to be created and executed.

26.   As per claim 8, in addition to the teachings applied above, White et al discloses

that each computer in said list does not have an instance of said application (same

figures and text as used for claim 1).

27.   As per claim 9, in addition to the teachings applied above, White et al discloses

that at least one computer in said list already has at least one instance of said

application (same figures and text as used for claim 1).

28.   As per claim 10, in addition to the teachings applied above, White et al discloses that installing software for said application on said second computer if said second computer does not have said software (same figures and text as used for claim 1).

29.   As per claim 11, in addition to the teachings applied above, White et al discloses setting up resources for said new instance in said second computer (same figures and text as used for claim 1).

Conclusion

30.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

31.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Curcio whose telephone number is 703-305-8887. The examiner can normally be reached on Tuesday through Friday from 7 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on Tuesday through Friday from 7:30 am to 4:30 pm and on alternate Mondays from 7:30 am to 4:30 pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

8/27/04
JC
AU 2122

ANTONY NGUYEN-BA
PRIMARY EXAMINER